



IN THE UNITED STATES PATENT OFFICE

Application No.: 10/707,634
Applicant: Carles Borrego Bel
Filed: 12/26/2003
TC/Art Unit:
Examiner:

Docket No.: 8134ES
Customer No.: 23688
Confirmation No.: 1633

May 23, 2004

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

PETITION UNDER 37 CFR 1.47

Sir:

This is in response to the Notice of Incomplete Reply (nonprovisional) dated 05/06/2004. This petition is timely filed if filed on or before 06/05/2004.

The required fee under 37 CFR 1.17(h) of \$130.00 is submitted herewith. Kindly consider this petition and the supporting documents submitted herewith as sufficient and in full compliance with the requirements 35 U.S.C. 118 and 37 CFR 1.47.

Remarks/Arguments begin on page 2 of this paper.

An **Appendix** including correspondence between the US and Spanish patent counsel and between the Spanish patent counsel and the inventor refusing to sign is attached following page 3 of this paper.

05/23/2004 33DIRETA1 00000004 502438 10707634

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Appl. No.: 10/707,634
Amdt. Dated: 5/23/2004
Reply to Office action of: 05/06/2004

REMARKS/ARGUMENTS

This application was filed on 12/26/2003 for all three inventors by the signing of a declaration by two of the three inventors whose location was known to the assignee at that time. The location of the third inventor was unknown at that time but diligent efforts were being taken to ascertain his whereabouts and procure his signature on a declaration.

On April 22, 2004 this attorney of record inquired of the assignee's Spanish patent counsel regarding the delivery of a declaration signed by Sr. Alex Subirates Sole the missing inventor. The Spanish patent counsel replied that the address of the missing inventor Sr. Alex Subirates Sole, a citizen of Spain residing in Spain had been found by the assignee's (Lear Corporation) employees and the assignee's Spanish patent counsel couriered a letter requesting Sr. Subirates Sole to execute a declaration for filing the case in the US Patent Office to Sr. Subirates Sole (a copy submitted herewith as Exhibit A) at the discovered address on March 9, 2004 but the letter was returned undelivered (a copy of the email to this attorney from the Spanish patent counsel dated April 23, 2004 and including my inquiry dated 04/22/2004 submitted herewith as Exhibit B). The Spanish patent counsel also indicated in this email that a second couriered copy of the letter had been mailed to the same address.

On May 11, 2004 this attorney of record emailed the assignee's Spanish patent counsel regarding the status of the second couriered letter to Sr. Subirates Sole and was informed by return email dated May 13, 2004 (a copy of the email to this attorney from the Spanish patent counsel dated 05/13/2004 and including my inquiry dated 05/11/2004 submitted herewith as Exhibit C) that the second copy of the letter to Sr. Subirates Sole had been delivered on May 5, 2004 (a copy of the front and back of the delivery confirmation receipt submitted herewith as Exhibit D) but that Sr. Subirates Sole had refused to respond.

Sr. Subirates Sole continues to refuse to respond to the letter requesting him to sign a declaration for filing in the US Patent Office for this case. He has also refused to contact the assignee Lear Corporation or the Spanish patent counsel up to and including the present day.

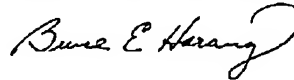
Appl. No.: 10/707,634
Amdt. Dated: 5/23/2004
Reply to Office action of: 05/06/2004

Applicants have undertaken diligent efforts to contact and have Sr. Subirats Sole sign a declaration for filing in the US Patent Office. However, Sr. Subirats Sole refuses to execute such document.

Sr. Subirats Sole's last known, and apparently present, address is C/ Rosello 14, 43500 Tortosa, Tarragona, Spain as can be seen from Exhibits A & D.

In view of the remarks herein, and exhibits presented herewith, it is submitted that this application is now complete and is in condition for examination and allowance, and such action is respectfully solicited.

Respectfully submitted,



Bruce E. Harang
Registration No. 29,720
Tel.: (360) 903-4693

Attachments: Exhibits A – D, copy of Notice of Incomplete Reply dated 05/06/2004,
Fee Transmittal, Transmittal Form



Exh. 6. + A

Madrid, 9 de marzo de 2004

Sr. Subirats Solé
C/ Roselló 14
43500 Tortosa
Tarragona

Estimado Sr. Subirats,

Nos ponemos en contacto con usted como representantes legales de LEAR AUTOMOTIVE (EDDS) SPAIN S.L. con el fin de hacerle llegar los documentos adjuntos para su firma.

Su firma es necesaria para poder presentar una solicitud de patente en Estados Unidos, por ello, rogamos nos devuelva los documentos originalmente firmados (en las cruz donde pone su nombre) a la mayor brevedad posible.

Si así lo desea, una vez que haya firmado los documentos se puede poner en contacto con nosotros para que enviemos un mensajero a su domicilio para recoger dichos documentos.

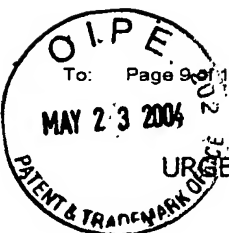
Quedando a la espera de sus noticias, le saluda,

Muy atentamente,

Firma de Carlos

Garrigues Agència de Propietat Industrial i Intelectual, S.L. (Patent and Trademark Agency) - Reg. Merc. Madrid: Tomo 11.699, Folio 196, Sección 8ª, Haja N.º 12.181-4. Domicilio social: José Abascal, 45 - 28003 Madrid, CIF: B-74623725. Agència de Propietat Industrial i Intelectual (Patent and Trademark Agency) - Reg. Merc. Madrid: Tomo 11.699, Folio 196, Sección 8ª, Haja N.º 12.181-4. Domicilio social: José Abascal, 45 - 28003 Madrid, CIF: B-74623725.

José Abascal, 45 - 28003 Madrid - España - T +34 91 514 57 00 F +34 91 514 56 02



URGENT - 8134ES - URGENT

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Exhibit 13

bhpatent

From: Borja de Carlos [Borja.de.Carlos@garrigues.com]
Sent: Friday, April 23, 2004 4:19 AM
To: bhpatent
Cc: Lear, Patent WebMaster; jfontanilles@lear.com
Subject: RE: URGENT - 8134ES - URGENT
Importance: High

Dear Bruce,

We sent him a letter to the address provided to us by LEAR but the letter was returned. In LEAR they do not know where this inventor may be found. We have sent him another letter but we doubt of the success it may have.

Please find enclosed copy of the letter sent to him via courier on March 9, 2004.

Best regards,

Borja

-----Original Message-----

From: bhpatent [mailto:bhpatent@comcast.net]
Sent: jueves, 22 de abril de 2004 22:16
To: Borja de Carlos
Cc: 'Lear, Patent WebMaster'
Subject: URGENT - 8134ES - URGENT

Borja,

I still have not received the declaration and assignment signed by the third inventor Alex Subirates

Sole.

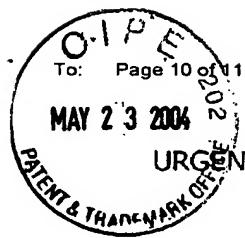
I must file the complete Declaration by 5/5/2004 or the case will go abandoned.

Kindly let me know when I can expect the Declaration with Alex Subirates Sole's signature.

Best Regards,

Bruce

"The charm of fishing is that it is elusive but attainable. A perpetual series of occasions for hope." - John Buchan



URGENT - Lear 8134ES missing inventor

Page 1 of 1

Exhibit C

bhpatent

From: Borja de Carlos [Borja.de.Carlos@garrigues.com]
Sent: Thursday, May 13, 2004 10:12 AM
To: bhpatent
Subject: RE: URGENT - Lear 8134ES missing inventor
Importance: High

Dear Bruce,

I have not received the letter back. This second time we sent him a certified letter and yesterday we received the document (see attached) that proves that he collected the letter on May 5, 2004. Since then we have received no notice from him.

Please instruct about which should be the next step.

Regards,

Borja

-----Original Message-----

From: bhpatent [mailto:bhpatent@comcast.net]
Sent: martes, 11 de mayo de 2004 19:53
To: Borja de Carlos
Subject: URGENT - Lear 8134ES missing inventor

Borja,

Have you received back the second letter you sent via courier to Alex Subirates Sole at his last known address? If so would you kindly forward an electronic copy of the letter and a short statement by yourself relating that you have send two letters and both have been returned and that the address you sent them to was the last known address as per Lear Corporation and list the name of the person at Lear that gave you this information.

I need this to file a petition to allow this case to be prosecuted in the US without the signature of Senor Sole on the Declaration.

I must file this petition before June 1, 2004.

Thank you.

Best Regards,

Bruce

"The charm of fishing is that it is elusive but attainable. A perpetual series of occasions for hope." - John Buchan



Exhibit D

Mod. 35

AVISO DE RECIBO

CORREOS

Oficina de origen del envío: Admisión
(que designará los datos) de GERMANY

Envío n.º 166 depositado el 23-04-04

Clase de envío certificado: URGENTE (1)

Valor declarado Euros: _____ (2)

Cao Postal de Euros: _____ (2)

Destinatario: Sibirati Solé

Domicilio: Rozells

Código Postal: 43500 Población: TORTOSA

Provincia: (Tarragona)

Para distribuir al EXPEDICION del envío

FRANQUEO:

Donación: José Miscal

N.º 45 País: _____

Código Postal: 28003

Población: MADRID

Provincia: _____

(1) Carta, Impreso, etc.
(2) Tasa de envío y proceso.
(3) Razonar con la que se desea

El que suscribe declara que el envío reseñado en el anverso ha sido
debidamente entregado el 23.05.04 de mayo
a D. Alejandro Sibirati D.N.I. 40001219

Sello de la oficina de destino	Firma (1)	
	(del empleado de la oficina de destino)	(del destinatario)

(1) Fila este debe ser firmado por el destinatario o, persona autorizada en su caso, por el empleado de la oficina de destino y devuelto devolviendo por primer correo, al ambiente del envío a que corresponde.

BEST AVAILABLE COPY